IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Bail Appl..No. 7416 of 2006()

AGAINST THE ORDER DATED 27/11/2006 IN ORDER IN
CMP.12364/2006 of J.M.F.C.-I,KOTTARAKKARA
CR No.129/06 of Kottarakara Excise Range

.....

: PETITIONER/ACCUSED

BIJU, S/O.RAJENDRAN,
KASINIVAS, KARUVELI MURI,
EZHUKONE VILLAGE, KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. A.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.7416 of 2006

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Dated this the 20th day of December, 2006.

O R D E R

Petitioner, who is the sole accused in C.R.No.129 of 2006 of Kottarakara Excise Range for an offence punishable under Section 55 (g) of the Abkari Act for having been found in possession of 1050 liters of wash on 8.7.2006 and who was arrested on 20.10.2006, seeks his enlargement on bail.

2. The learned Public Prosecutor on instructions admitted that no final report has been filed even after 60 days detention of the petitioner. If so, by virtue of Section 167 of Cr.P.C., the petitioner is entitled to default bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.I, Kottarakara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate

the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

4. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

ess 20/12

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M..... and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,

JUDGE.

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